

REMARKS

An Office Action was mailed on August 24, 2004. Claims 1 - 8 are pending in the present application. Applicants cancel claims 3, 7 and 8 without prejudice or disclaimer, and amend claims 1, 4 and 5. No new matter is introduced. Support for the claim amendments may be found, for example, with reference to FIGs. 8, 9 and page 18, line 3 to page 21, line 24 of Applicants' specification.

ALLOWABLE CLAIMS

Applicants thank the Examiner for indicating that that claims 1 and 2 are currently allowed. Applicants amend claim 1 to include the limitations of canceled claim 3, as further described below, and respectfully submit that amended claim 1 remains is condition for allowance.

OBJECTED CLAIMS

Claims 5, 7 and 8 are objected to in regard to certain informalities. Applicants cancel claims 7, 8 without prejudice or disclaimer, and amend claim 5 to address the informalities. Accordingly, Applicants respectfully request that the objections be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 3, 4, 7 and 8 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to define the metes and bounds of the claims. Specifically, the Examiner questions:

- 1) Whether claim 3 specifies the data-read control unit as delaying a data read from memory by an interval equal to the maximum value of the delay fluctuation?
- 2) Whether claim 4 effectively requires that only one value of a maximum delay fluctuation is defined in a transmitted cell (it appears to require that a maximum delay need be determined only once by the data-read control unit for a fixed transmission path)?
- 3) Whether claim 7 specifies that a delay fluctuation value stored in a predetermined area of a cell is used to delay the cell by the amount of the fluctuation value?
- 4) Whether claim 8 specifies that a data read from memory is delayed by an interval equal to the maximum value of the delay fluctuation?

Applicants cancel claim 3 without prejudice or disclaimer, and amend claim 1 to include the limitations of canceled claim 3. Amended claim 1 clarifies that 1) the data-read control unit controls reading from a storage unit storing a data portion of a cell to be reproduced such that “data read from [the] storage unit is delayed by an interval equal to [a] maximum delay fluctuating value”. Claim 4 is amended to clarify that 2) the data-read control unit determines a maximum delay fluctuation value only once after the cell transmission path has been set.

Applicants cancel claims 7 and 8 without prejudice or disclaimer, and amend claim 5 to include some of the limitations of canceled claims 7 and 8. Amended claim 5 clarifies that 3) first and second maximum values of delay fluctuation are stored in a predetermined area of the cell for determining the maximum delay fluctuation value, and

4) data read from the buffer is delayed by an interval equal to the maximum delay fluctuation value.

Accordingly, Applicants respectfully submit that the metes and bounds of amended claims 1, 4 and 5 are clearly defined, and respectfully request that the rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 5 - 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,901,149 to Itakura et al. Applicants amend claim 5 to further clarify the nature of their invention, and respectfully traverse the rejection.

In amended claim 5, Applicants disclose:

5. A method of controlling absorption of delay fluctuation of data transmitted as a cell through a plurality of relay stations, said method comprising the steps of:

adding a first maximum value of delay fluctuation of each relay station to a predetermined area of the cell that is to be transmitted through the plurality of relay stations;

storing a data portion of a received cell to be reproduced, in a buffer at a relay station;

adding a second maximum value of delay fluctuation cause by reproducing said data portion, to said predetermined area, obtaining a maximum delay fluctuation value designating the total fluctuation time of the plurality of relay stations; and

reading said data portion of the received cell from said buffer, wherein data read from said buffer is delayed by an interval equal to said maximum delay fluctuation value, thereby absorbing the delay fluctuation of the received cell.

Itakura discloses coding and decoding system that generates time stamps that are included in transmitted data (see, e.g., abstract of Itakura). Itakura discloses that such

time stamps may be rewritten to account for delay fluctuations in the network (see, e.g., column 2, lines 10 – 36 of Itakura). The Examiner suggests that the timestamps of Itakura may be used to calculate Applicants' claimed first maximum value of delay fluctuation representing the delay through the plurality of relay stations on the transmission path. However, like Applicants' claimed invention, Itakura fails to suggest or disclose Applicants' claimed second maximum value of delay fluctuation representing delay fluctuation occurring as a result of reproducing the data portion of the cell by the receiving node and maximum delay fluctuation value comprising the first maximum value of delay fluctuation for transmission through the plurality of relay stations plus the second maximum value of delay fluctuation, each of which is added to the predetermined area of the cell so that the maximum delay fluctuation value may be used for generating a delay to be used in reading the data from the buffer (see, e.g., page 8, line 27 through page 9, line 7 of Applicants' specification).

Accordingly, Applicants respectfully submit that amended claim 5 is not made obvious by Itakura, and is therefore in condition for allowance. Applicants cancel claims 7 and 8 without prejudice or disclaimer. As claim 6 depends from allowable claim 5, Applicants further submit that claim 6 is allowable for at least this reason.

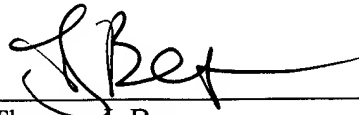
CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1, 2 and 4 - 6, which include independent claims 1 and 5, and the claims that depend therefrom, stand in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this

application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Bean', written over a horizontal line.

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